

REMARKS

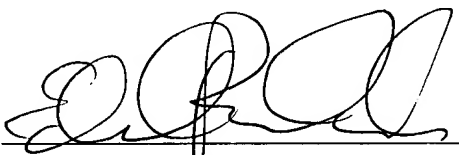
Claims 1, 14-17, 21 and 23-24 have been rejected under 35 U.S.C. §102(e) as being anticipated by Aksyuk et al (U.S. Patent No. 6,108,466). Claims 5-13 and 22 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Aksyuk et al and Claims 25-37 have been similarly rejected over Aksyuk et al in view of Cushing (U.S. Patent No. 6,011,652). Reconsideration of these claims is respectfully requested.

Contrary to the assertion of the Examiner, Aksyuk et al. does not qualify as prior art under 35 U.S.C. §102(e) because Aksyuk et al. is not "a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent..." as required by 35 U.S.C. §102(e). As stated in the Preliminary Amendment filed March 14, 2000, the referenced application is a divisional application of U.S patent application Serial No. 09/135,236 filed August 17, 1998. Hence, the referenced application has a priority date at least as early as August 17, 1998, which priority date predates the September 17, 1998 filing date of Aksyuk et al.

In view of the foregoing, the rejections set forth above under 35 U.S.C. §102(e) based on Aksyuk et al., as well the rejections set forth above under 35 U.S.C. §103(a) involving Aksyuk et al, should be withdrawn and Claims 1, 5-17 and 21-37 found allowable and thus passed to issue. Should the Examiner believe that the application is not in a condition for allowance and that a telephone interview would help further prosecution of this case, the Examiner is requested to contact the undersigned attorney at the phone number below.

Respectfully submitted,

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